IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	Akseli ANTTILA *et al.*	Confirmation No.:	7848
Application No.:	10/017,654	Examiner:	Divecha, Kamal B.
Filed:	December 12, 2001	Group Art Unit:	2451

For: SYNCHRONOUS MEDIA PLAYBACK AND MESSAGING SYSTEM

APPEAL BRIEF

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This Appeal Brief is submitted in support of the Notice of Appeal dated May 14, 2009.

I. REAL PARTY IN INTEREST

NOKIA CORPORATION is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals and interferences.

III. STATUS OF THE CLAIMS

Claims 1-19, 23-25, 30-33, 36, and 39-47 are pending in this appeal, in which claims 20-22, 26-29, 34, 35, 37, and 38 have earlier been canceled. No claim is allowed. This appeal is therefore taken from the final rejection of claims 1-19, 23-25, 30-33, 36, and 39-47 on December 16, 2008.

IV. STATUS OF AMENDMENTS

The amendment to claims 1, 3, 4, 11, 14, 17, 23, 36, 41, 42, and 44-47 filed April 21, 2009 has been entered.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The claimed invention relates to providing synchronous media playback and messaging in a communications system. In particular, the claimed subject matter enables people to watch/listen to the same performance/recording conveyed on a recording medium at substantially the same time in distant locations. Synchronous media playback/messaging is provided between a host user and least one guest user.

Independent claim 1 provides for the following:

1. A method comprising:

receiving a first media playback invite request initiated by a host wireless terminal (See, e.g., ¶ [25]; Fig. 2, message 201), the first media playback invite request including

information sufficient to identify at least one guest wireless terminal (See, e.g., ¶¶ [20], [25]; Table 1 at page 8; Fig. 1, 103, 105; Fig. 2), an identification of a pre-existing playable media file (See, e.g., ¶¶ [20], [21], [25]; Fig. 1, 111; Fig. 2), and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file (See, e.g., ¶¶ [21], [25]; Fig. 2, action request 225);

transmitting a second media playback invite request to the guest wireless terminal subsequent to receipt of the first media playback invite request, wherein the second media playback

invite request includes the playback option (See, e.g., ¶¶ [20], [21], [25]; Fig. 1, 111; Fig. 2);

relaying a media playback accept response from the guest wireless terminal to the host wireless terminal (See, e.g., ¶¶ [28], [29]; Fig. 2; accept response 207);

distributing a start playback request from the host wireless terminal to the guest wireless terminal, wherein the start playback request directs the guest wireless terminal to begin a playback session of the identified media file in synchronization with a beginning of the playback session at the host wireless terminal (See, e.g., ¶¶ [30], [31]; Fig. 1, central server 107; Fig. 2, 219, 221, 223; Fig. 3);

receiving an action request from the guest wireless terminal requesting a playback action enabled by the playback option (See, e.g., ¶ [31]; Fig. 2, action request 225); and

sending the action request received from the guest wireless terminal to the host wireless terminal (See, e.g., ¶ [32]; Fig. 2, action request 227).

Independent claim 11 provides for the following:

11. A computer-readable medium, comprising instructions that, when executed, cause a computer to perform:

receiving a first media playback invite request initiated by a host wireless terminal (See, e.g., ¶ [25]; Fig. 2, message 201), the first media playback invite request including

information sufficient to identify at least one guest wireless terminal (See, e.g., ¶¶ [20], [25]; Table 1 at page 8; Fig. 1, 103, 105; Fig. 2),

an identification of a pre-existing playable media file (See, e.g., ¶¶ [20], [21], [25]; Fig. 1, 111; Fig. 2), and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file (See, e.g., ¶¶ [21], [25]; Fig. 2, action request 225);

transmitting a second media playback invite request to the guest wireless terminal subsequent to receipt of the first media playback invite request, wherein the second media playback invite request includes the playback option (See, e.g., ¶¶ [20], [21], [25]; Fig. 1, 111; Fig. 2);

relaying a media playback accept response from the guest wireless terminal to the host wireless terminal (See, e.g., ¶¶ [28], [29]; Fig. 2; accept response 207);

distributing a start playback request from the host wireless terminal to the guest wireless terminal, wherein the start playback request directs the guest wireless terminal to begin a playback session of the identified media file in synchronization with a beginning of the playback session at the host wireless terminal (See, e.g., ¶¶ [30], [31]; Fig. 1, central server 107; Fig. 2, 219, 221, 223; Fig. 3);

receiving an action request from the guest wireless terminal requesting a playback action enabled by the playback option (See, e.g., ¶ [31]; Fig. 2, action request 225); and

sending the playback option received from the guest wireless terminal to the host wireless terminal (See, e.g., ¶ [32]; Fig. 2, action request 227).

Independent claim 14 provides for the following:

14. A method comprising:

sending a media playback invite request to at least one guest wireless terminal from a host wireless terminal (See, e.g., ¶ [25]; Fig. 2, message 201), wherein the media playback invite request includes

information sufficient to identify the at least one guest wireless terminal (See, e.g., ¶¶ [20], [25]; Table 1 at page 8; Fig. 1, 103, 105; Fig. 2),

an identification of a pre-existing playable media file (See, e.g., ¶¶ [20], [21], [25]; Fig. 1, 111; Fig. 2), and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file (See, e.g., ¶¶ [21], [25]; Fig. 2, action request 225);

receiving a media playback accept response from the guest wireless terminal in response to sending the media playback invite request (See, e.g., ¶¶ [28], [29]; Fig. 2; accept response 207);

in response to receiving the media playback accept response, sending a start playback request to the guest wireless terminal, wherein the start playback request begins a playback session of the identified media file in synchronization with a beginning of the playback session at the host wireless terminal (See, e.g., ¶¶ [30], [31], [36]-[38]; Fig. 1, central server 107; Fig. 2, 219, 221, 223; Fig. 3);

receiving an action request from the guest wireless terminal, requesting a playback action enabled by the playback option (See, e.g., ¶ [31]; Fig. 2, action request 225); and

modifying the playback session of the identified media file in response to the action request (See, e.g., ¶ [32]; Fig. 2, action request 227).

Independent claim 23 provides for the following:

23. A computer-readable medium, comprising instructions that, when executed, cause a device to perform:

sending a media playback invite request to at least one guest wireless terminal from a host wireless terminal (See, e.g., ¶ [25]; Fig. 2, message 201), wherein the media playback invite request includes

information sufficient to identify the at least one guest wireless terminal (See, e.g., ¶¶ [20], [25]; Table 1 at page 8; Fig. 1, 103, 105; Fig. 2),

an identification of a pre-existing playable media file (See, e.g., ¶¶ [20], [21], [25]; Fig. 1, 111; Fig. 2), and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file (See, e.g., ¶¶ [21], [25]; Fig. 2, action request 225);

receiving a media playback accept response from the guest wireless terminal in response to sending the media playback invite request (See, e.g., ¶¶ [28], [29]; Fig. 2; accept response 207);

sending a start playback request to the guest wireless terminal in response to receiving the media playback accept response, wherein the start playback request begins a playback session of the identified media file in synchronization with a beginning of the playback session at the host wireless terminal (See, e.g., ¶¶ [30], [31], [36]-[38]; Fig. 1, central server 107; Fig. 2, 219, 221, 223; Fig. 3);

receiving an action request from the guest wireless terminal requesting a playback action enabled by the playback option (See, e.g., ¶ [31]; Fig. 2, action request 225); and

modifying the playback session of the identified media file in response to the action request (See, e.g., ¶ [32]; Fig. 2, action request 227).

Independent claim 36 provides for the following:

36. An apparatus comprising:

a processor (See, e.g., ¶¶ [51]-[55]; Fig. 9, element 909); and

memory storing executable instructions (See, e.g., ¶¶ [51]-[55]; Fig. 9, element 909) that, when executed, cause the apparatus to

receive a media playback invitation at the apparatus from a server via a wireless channel (See, e.g., ¶ [25]; Fig. 2, message 201), wherein the media playback invitation includes

an identification of a pre-existing playable media file (See, e.g., ¶¶ [20], [21], [25]; Fig. 1, 111; Fig. 2), and

a playback option enabling the apparatus to request different types of playback actions in connection with playback of the identified media file (See, e.g., ¶¶ [21], [25]; Fig. 2, action request 225),

responsive to receiving the media playback invitation, transmit a media playback accept response to the server, wherein if the apparatus does not have the identified media file, the apparatus downloads the identified media file before transmitting the media playback accept response (See, e.g., ¶¶ [28], [29]; Fig. 2; accept response 207),

receive at the apparatus a start playback request, wherein the start playback request begins a playback session of the identified media file in synchronization with a beginning of the playback session at a host wireless terminal (See, e.g., ¶¶ [30], [31], [36]-[38]; Fig. 1, central server 107; Fig. 2, 219, 221, 223; Fig. 3), and

subsequent to receiving the start playback request, transmit an action request to the server, wherein the action request requests a playback action enabled by the playback option (See, e.g., ¶ [31]; Fig. 2, action request 225).

Dependent claim 39 provides for the following:

39. The apparatus of claim 36, wherein the processor includes executable instructions to perform:

modifying the identified media file in accordance with a modification file during the playback session (See, e.g., ¶¶ [44]-[47]; Fig. 7, modification file 703).

Independent claim 42 provides for the following:

42. An apparatus comprising:

a processor (See, e.g., ¶¶ [51]-[55]; Fig. 9, element 909); and

a memory storing executable instructions (See, e.g., ¶¶ [51]-[55]; Fig. 9, element 909); that, when executed, cause the apparatus to send a media playback invite request to at least one guest wireless terminal from the apparatus (See, e.g., ¶ [25]; Fig. 2, message 201), wherein the media playback invite request includes

information sufficient to identify the at least one guest wireless terminal (See, e.g., ¶¶ [20], [25]; Table 1 at page 8; Fig. 1, 103, 105; Fig. 2),

an identification of a pre-existing playable media file (See, e.g., ¶¶ [20], [21], [25]; Fig. 1, 111; Fig. 2), and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file (See, e.g., ¶¶ [21], [25]; Fig. 2, action request 225),

receive a media playback accept response from the guest wireless terminal in response to sending the media playback invite request (See, e.g., ¶¶ [28], [29]; Fig. 2; accept response 207),

in response to receiving the media playback accept response, send a start playback request to the guest wireless terminal, wherein the start playback request begins a playback

session of the identified media file in synchronization with a beginning of the playback session at the apparatus (See, e.g., ¶¶ [30], [31], [36]-[38]; Fig. 1, central server 107; Fig. 2, 219, 221, 223; Fig. 3),

receive an action request from the guest wireless terminal requesting a playback action enabled by the playback option (See, e.g., ¶ [31]; Fig. 2, action request 225), and

modify the playback session of the identified media file in response to the action request (See, e.g., ¶ [32]; Fig. 2, action request 227).

Independent claim 45 provides for the following:

45. An apparatus comprising:

a processor (See, e.g., ¶¶ [51]-[55]; Fig. 9, element 909); and

a memory storing executable instructions (See, e.g., ¶¶ [51]-[55]; Fig. 9, element 909) that, when executed, cause the apparatus to receive a first media playback invite request initiated by a host wireless terminal (See, e.g., ¶ [25]; Fig. 2, message 201), the first media playback invite request including

information sufficient to identify at least one guest wireless terminal (See, e.g., ¶¶ [20], [25]; Table 1 at page 8; Fig. 1, 103, 105; Fig. 2),

an identification of a pre-existing playable media file (See, e.g., ¶¶ [20], [21], [25]; Fig. 1, 111; Fig. 2), and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file (See, e.g., ¶¶ [21], [25]; Fig. 2, action request 225),

transmit a second media playback invite request to the guest wireless terminal subsequent to receipt of the first media playback invite request, wherein the second media playback invite request includes the playback option (See, e.g., ¶¶ [20], [21], [25]; Fig. 1, 111; Fig. 2),

relay a media playback accept response from the guest wireless terminal to the host wireless terminal (See, e.g., ¶¶ [28], [29]; Fig. 2; accept response 207),

distribute a start playback request from the host wireless terminal to the guest wireless terminal, wherein the start playback request directs the guest wireless terminal to begin a playback session of the identified media file in synchronization with a beginning of the playback session at the host wireless terminal (See, e.g., ¶¶ [30], [31]; Fig. 1, central server 107; Fig. 2, 219, 221, 223; Fig. 3),

receive an action request from the guest wireless terminal requesting a playback action enabled by the playback option (See, e.g., ¶ [31]; Fig. 2, action request 225), and

send the action request received from the guest wireless terminal to the host wireless terminal (See, e.g., ¶ [32]; Fig. 2, action request 227).

Independent claim 46 provides for the following:

46. A method comprising:

receiving a media playback invitation at a guest wireless terminal from a server via a wireless channel (See, e.g., ¶ [25]; Fig. 2, message 201), wherein the media playback invitation includes

an identification of a pre-existing playable media file (See, e.g., ¶¶ [20], [21], [25]; Fig. 1, 111; Fig. 2), and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file (See, e.g., ¶¶ [21], [25]; Fig. 2, action request 225);

responsive to receiving the media playback invitation, transmitting a media playback accept response to the server, wherein if the guest wireless terminal does not have the identified media file, the guest wireless terminal downloads the identified media file before transmitting the media playback accept response (See, e.g., ¶¶ [20], [21], [25]; Fig. 1, 111; Fig. 2);

receiving at the guest wireless terminal a start playback request, wherein the start playback request begins a playback session of the identified media file in synchronization with a

beginning of the playback session at a host wireless terminal (See, e.g., ¶¶ [28]-[31], [34]; Fig. 2; start playback 219, 221, 223); and

subsequent to receiving the start playback request, transmitting an action request to the server, wherein the action request requests a playback action enabled by the playback option (See, e.g., ¶¶ [31], [32]; Fig. 2; action request 225, 227, 229).

Independent claim 47 provides for the following:

47. A computer-readable medium, comprising instructions that, when executed, cause a device to perform:

receiving a media playback invitation at a guest wireless terminal from a server via a wireless channel (See, e.g., ¶ [25]; Fig. 2, message 201), wherein the media playback invitation includes

an identification of a pre-existing playable media file (See, e.g., ¶¶ [20], [21], [25]; Fig. 1, 111; Fig. 2), and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file (See, e.g., ¶¶ [21], [25]; Fig. 2, action request 225);

responsive to receiving the media playback invitation, transmitting a media playback accept response to the server, wherein if the guest wireless terminal does not have the identified media file, the guest wireless terminal downloads the identified media file before transmitting the media playback accept response(See, e.g., ¶¶ [20], [21], [25]; Fig. 1, 111; Fig. 2);

receiving at the guest wireless terminal a start playback request, wherein the start playback request begins a playback session of the identified media file in synchronization with a beginning of the playback session at a host wireless terminal (See, e.g., ¶¶ [28]-[31], [34]; Fig. 2; start playback 219, 221, 223); and

subsequent to receiving the start playback request, transmitting an action request to the server, wherein the action request requests a playback action enabled by the playback option (See, e.g., ¶¶ [31], [32]; Fig. 2; action request 225, 227, 229).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-19, 23-25, 30-33, 36, and 39-47 are based on an inadequate written description under 35 U.S.C § 112, first paragraph?

Whether claims 1, 2, 4-6, 8-19, 23-25, 30-33, and 42-45 are obvious under 35 U.S.C. § 103 based on *Liou et al.* (WO 9946702) in view of *Dalrymple et al.* (US 6,976,094), *Handley et al.* (RFC 2327), and *Vilander* (US 7,193,987)?

Whether claims 36, 39, 46, and 47 are obvious under 35 U.S.C. § 103 based on *Liou et al.* (WO 9946702) in view of *Dalrymple et al.* (US 6,976,094), *Kumar et al.* (US 6,006,253), and *Vilander* (US 7,193,987)?

Whether claim 40 is obvious under 35 U.S.C. § 103 based on *Liou et al.* (WO 9946702) in view of *Dalrymple et al.* (US 6,976,094), *Handley et al.* (RFC 2327), *Vilander* (US 7,193,987), and *Kumar et al.* (US 6,006,253)?

Whether claim 7 is obvious under 35 U.S.C. § 103 based on *Liou et al.* (WO 9946702) in view of *Dalrymple et al.* (US 6,976,094), *Handley et al.* (RFC 2327), *Vilander* (US 7,193,987), and *Crandall et al.* (US 2002/0107040)?

Whether claims 3 and 41 are obvious under 35 U.S.C. § 103 based on *Liou et al.* (WO 9946702) in view of *Dalrymple et al.* (US 6,976,094), *Handley et al.* (RFC 2327), *Vilander* (US 7,193,987), and *Agresta et al.* (US 2002/0091848)?

VII. ARGUMENT

A. CLAIMS 1-19, 23-25, 30-33, 36, AND 39-47 ARE NOT BASED ON AN INADEQUATE WRITTEN DESCRIPTION BECAUSE THE SUBJECT MATTER WHICH THE EXAMINER CONTENDS HAS NO SUPPORT IS NO LONGER PART OF THE CLAIMS.

Appellants argue the rejection of claims 1-19, 23-25, 30-33, 36, and 39-47 under 35 U.S.C § 112, first paragraph, because, technically, this rejection is still outstanding. However, it is believed that the amendment of April 21, 2009 obviated the rejection of claims 1-19, 23-25, 30-33, 36, and 39-47 under 35 U.S.C § 112, first paragraph, based on an inadequate written description, and that the Examiner inadvertently failed to withdraw the rejection.

When Appellants substantially amended the claims in the response of November 12, 2008, to include limitations such as "wherein the action request includes the playback option; and sending the playback option received from the guest wireless terminal to the host wireless terminal," as in claim 1, for example, the Examiner issued a rejection of the claims as being based on an inadequate written description, contending that these features of the amended claims were not disclosed in the application as filed.

In response to the Final Rejection, Appellants amended the claims, in the response of April 21, 2009, to delete these new features and replace the language with what the claims previously recited, when there was no rejection under 35 U.S.C § 112, first paragraph, against the claims. Appellants believed that this latest amendment would obviate the written description rejection and place the claims in better form, or at least reduce the issues, for appeal.

However, in the Advisory Action of April 27, 2009, the Examiner does not indicate one way or the other the effect of the Amendment of April 21, 2009. Rather, the Advisory Action indicates only that the amendment of April 21, 2009 will be entered for purposes of appeal, with no indication of the effect of the amendment on the written description issue. The Advisory Action further states that the claims are still not in condition for allowance because the "claims as presented in the proposed amendments would be rejected as set forth in the final office action. The amendments were made to put the claims in better form for appeal. No arguments are presented at this time. As such, the rejection is maintained."

The Advisory Action is confusing because while it states that the entered amended claims "would be rejected as set forth in the final office action," presumably indicating that the rejection under 35 U.S.C § 112, first paragraph, is maintained, at the same time, the Advisory Action fails to comment on the specific amendments to the claims, which amendment deleted the very language the Examiner contends is based on an inadequate written description. Thus, if the rejection under 35 U.S.C § 112, first paragraph, is still outstanding, Appellants are unsure of the rationale therefore, since the claim language, e.g., "wherein the action request includes the playback option; and sending the playback option received from the guest wireless terminal to the host wireless terminal," complained of in the Final Office Action of December 16, 2008, no longer exists in the claims.

It is anticipated that the Examiner will make it explicit in the Answer as to whether claims 1-19, 23-25, 30-33, 36, and 39-47, as now on appeal, are still rejected under 35 U.S.C § 112, first paragraph. If, in fact, the rejection is still outstanding, perhaps the Examiner will explain in the Answer what claim language still in the claims is alleged to be inadequately supported by the original disclosure, so that Appellants can make a more complete response in a reply brief.

It was understood, in telephone conversations between Examiner Divecha and Appellants' former representative that the amendment to claims 1, 3, 4, 11, 14, 17, 23, 36, 41, 42, and 44-47 of April 21, 2009 would resolve the issues under 35 U.S.C § 112, first paragraph. See the remarks and interview summary of April 21, 2009.

Since the amendment of April 21, 2009, an amendment which has been entered by the Examiner, is believed to overcome the rejection of claims 1-19, 23-25, 30-33, 36, and 39-47 under 35 U.S.C § 112, first paragraph, the Honorable Board is respectfully requested to reverse the Examiner's rejection of claims 1-19, 23-25, 30-33, 36, and 39-47 under 35 U.S.C § 112, first paragraph.

B. CLAIMS 1, 2, 4-6, 8-19, 23-25, 30-33, AND 42-45 ARE NOT RENDERED OBVIOUS BY *LIOU, DALRYMPLE ET AL., HANDLEY ET AL.* AND *VILANDER* BECAUSE NONE OF THE APPLIED REFERENCES PROVIDES FOR A MEDIA PLAYBACK INVITE REQUEST INCLUDING A PLAYBACK OPTION ENABLING THE GUEST WIRELESS TERMINAL TO REQUEST DIFFERENT TYPES OF PLAYBACK OPTIONS IN CONNECTION WITH PLAYBACK OF THE IDENTIFIED MEDIA FILE.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention under any statutory provision always rests upon the Examiner. *In re Mayne*, 104 F.3d 1339, 41 USPQ2d 1451 (Fed .Cir. 1997); *In re Deuel*, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995); *In re Bell*, 991 F.2d 781, 26 USPQ2d 1529 (Fed. Cir. 1993); *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to provide a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 357 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

Claim 1 recites, *inter alia*, "receiving a first media playback invite request initiated by a host wireless terminal, the first media playback invite request including information sufficient to identify at least one guest wireless terminal, an identification of a pre-existing playable media file, and a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file."

As set forth, for example, in the instant specification, paragraphs [03] and [04], such an invite request permits people to watch/listen to the same performance/recording conveyed on a recording medium at substantially the same time in distant locations. None of the applied references of *Liou et al.*, *Dalrymple et al.*, *Handley et al.*, and *Vilander* discloses or suggests this single invite request that includes "information sufficient to **identify at least one guest wireless terminal**, an **identification of a pre-existing playable media file**, and a **playback option** enabling the guest wireless terminal **to request different types of playback actions** in connection with playback of the identified media file." Since none of the applied references teaches or suggests this specific claimed feature, it follows that no combination of the four references would result in the instant claimed subject matter.

At page 15 of the Final Office Action, the Examiner recognized that the *Liou et al./Dalrymple et al.* combination fails to teach or suggest an invite request that includes the claimed "**playback option** enabling the guest wireless terminal **to request different types of playback actions** in connection with playback of the identified media file." The Examiner relied on *Handley et al.* to provide for this feature. Specifically, the Examiner states,

> Handley explicitly discloses a session description protocol (SDP) including the process of sending the invitations to the users, wherein the invitations includes **various fields** comprising a playback option field **for enabling** the guest terminal to request different types of actions, i.e. enabling the receiver for interactive conferencing, i.e. for sending the

actions (pg. 23: a=sendrecv field enables the users to send and receive data).

However, careful review of *Handley et al.* reveals that the "a=sendrecv" field described at page 22 is not a playback option enabling the guest wireless terminal to request different types of playback actions in connection with **playback of a pre-existing playable media file**. Rather, the "a=sendrecv" instruction in *Handley et al.* merely specifics that "tools" should be started in a "send and receive mode." Specifically, *Handley et al.* identify a whiteboard, "wb" application as a tool that might be employed during a multimedia conference conducted via the Internet. To whatever extent there is any transmission from or receipt to the whiteboard application, there is no indication in *Handley et al.* that this transmission or receipt would be a request related to playback of a pre-existing media file, as claimed.

In response, the Examiner cites, at pages 2-10 of the Final Office Action, generalities about what a SIP invite request "typically contains" (Final Office Action-top of page 5), and long passages of *Handley et al.* related to SDP and a session description (Final Office Action- pages 5-6), and attributes for extending SDP (Final Office Action-page 7). However, the Examiner points to no evidence that *Handley et al.* relate to **playback of a pre-existing playable media file**.

At pages 8-10 of the Final Office Action, the Examiner gets down to more specifics, contending that *Handley et al.*, with regard to a:sendrecv," that this specification of tools started in send and receive modes is necessary for interactive conferences and that "[I]t can be either a session or media attribute." The Examiner extrapolates this "media session" to enable the callee to request different types of playback actions. On the contrary, while *Handley et al.* disclose a "media attribute," there is clearly nothing within the teaching of that reference relating to a media playback invite request including "**playback of a pre-existing playable media file**."

As far as the "pre-existing feature," the Examiner contends that SDP identifies a media file and that "[o]bviously, the media file is pre-existing at some location. Moreover, LIOU discloses the pre-existing media file and requesting different types of actions in connection with the media file" (Final Office Action-page 10).

Whether or not *Liou et al.* disclose a pre-existing media file is not important because, as acknowledged by the Examiner, they do not disclose or suggest an invite request that includes the claimed "**playback option** enabling the guest wireless terminal **to request different types of playback actions** in connection with playback of the identified media file." *Handley et al.* are relied on for that teaching and, for the reasons above, *Handley et al.* simply do not teach or suggest this claim feature.

Further, with regard to "the media file is pre-existing at some location," as argued by the Examiner, in accordance with the claimed subject matter, the pre-existing media file is not merely at **some location**. Rather, it must be at the "guest wireless terminal." While the claim recitation of "information sufficient to identify at least one guest wireless terminal, an identification of a pre-existing playable media file" may not require the pre-existing playable media file to be specifically at the "guest wireless terminal," it is clear that when this portion of the claim is read in totality with other portions of the claim, e.g., "relaying a media playback accept response from the guest wireless terminal to the host wireless terminal" and "distributing a start playback request from the host wireless terminal to the guest wireless terminal, wherein the start playback request directs the guest wireless terminal to begin a playback session of the identified media file in synchronization with a beginning of the playback session at the host wireless terminal," the pre-existing media file must be at the "guest wireless terminal." The whole point of the invite request and the acceptance of the invite request is to determine if the guest wishes to accept the invitation and, if

so, does the media file exist at the "guest wireless terminal." If the media file does not exist at that location, then the "guest wireless terminal" will request a download of that media file before acceptance of the invite request. If the pre-existing media file was not, or did not need to be, at the "guest wireless terminal," there would be no need for "distributing a start playback request from the host wireless terminal to the guest wireless terminal, wherein the start playback request directs the guest wireless terminal to begin a playback session of the identified media file in synchronization with a beginning of the playback session at the host wireless terminal."

Moreover, even if the pre-existing media file did not need to be at the guest wireless terminal, which it does, *Handley et al.* do not teach or suggest a pre-existing media file **anywhere** and for the Examiner to cavalierly contend that "the media file is pre-existing at some location," is merely an exercise in impermissible hindsight, inventing features that are simply not taught by the applied references.

Neither *Liou et al.*, *Dalrymple et al.*, or *Vilander* provides for the deficiencies of *Handley et al.*

Independent claims 11, 14, and 23 contain features similar to those of independent claim 1, discussed above, and for similar reasons, are patentable over the applied references.

Accordingly, no *prima facie* case of obviousness has been established by the Examiner and the Honorable Board is respectfully requested to reverse the rejection of claims 1, 2, 4-6, 8-19, 23-25, 30-33, and 42-45 under 35 U.S.C. § 103.

C. CLAIMS 36, 39, 46, AND 47 ARE NOT RENDERED OBVIOUS BY *LIOU, DALRYMPLE ET AL., KUMAR ET AL.* AND *VILANDER* BECAUSE NONE OF THE APPLIED REFERENCES PROVIDES FOR A MEDIA PLAYBACK INVITE REQUEST INCLUDING A PLAYBACK OPTION ENABLING THE GUEST WIRELESS TERMINAL TO REQUEST DIFFERENT TYPES OF

PLAYBACK OPTIONS IN CONNECTION WITH PLAYBACK OF THE IDENTIFIED MEDIA FILE.

Independent claim 36 recites, *inter alia*, a memory that causes apparatus to "receive a media playback invitation at the apparatus from a server via a wireless channel, wherein the media playback invitation includes an **identification of a pre-existing playable media file**, and a **playback option enabling the apparatus to request different types of playback actions in connection with playback of the identified media file**." Independent claim 46 recites, *inter alia*, a method comprising "receiving a media playback invitation at a guest wireless terminal from a server via a wireless channel, wherein the media playback invitation includes an **identification of a pre-existing playable media file**, and a **playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file**." Independent claim 47 recites, *inter alia*, a computer-readable medium, comprising instructions that, when executed, cause the steps of "receiving a media playback invitation at a guest wireless terminal from a server via a wireless channel, wherein the media playback invitation includes **an identification of a pre-existing playable media file**, and a **playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file**."

For the reasons above, in connection with independent claims 1, 11, 14, 23, 42, and 45, neither *Liou et al.*, *Dalrymple et al.*, or *Vilander* provides for these features. *Kumar et al.*, is applied by the Examiner for an alleged teaching of an SDP for sending an announcement, or invitation, including a playback option, enabling a guest terminal to request different types of actions, along with the process of downloading a media file if an apparatus does not have the media file.

Fig. 6, and col. 10, lines 11-44, of *Kumar et al.*, to which the Examiner refers (Final Office Action-page 23) for this alleged teaching, do not disclose any such thing. Rather, the cited portion of the reference relates to an audio conference, which uses social control. The announcement 600 includes various fields, including an SDP version, the login name of the originator, or host,, the version of the announcement, the network type of the host, the address type of the host, the IP address of the originator, the name of the conference, the start time of the conference, the end time of the conference, the periodicity of the conference, the duration of the conference, an offset time, the media type, the RTP port, the implied RTCP port, whether an audio video profile if used, a dynamic payload type, the address type, the multicast address for the media connection, a time to live, the bandwidth of the session, a dynamic payload type used; details of the codec used including the clock rate, and a specification that the terminal can send and receive on the RTP session. However, there is nothing within the cited portion, or any other portion, of *Kumar et al.* that discloses or suggests the claimed feature of "wherein the media playback invitation includes an **identification of a pre-existing playable media file**, and a **playback option enabling the apparatus to request different types of playback actions in connection with playback of the identified media file**."

Accordingly, no *prima facie* case of obviousness has been established by the Examiner and the Honorable Board is respectfully requested to reverse the rejection of claims 36, 39, 46, and 47 under 35 U.S.C. § 103.

Additionally, even if the Honorable Board deems independent claim 36 unpatentable, dependent claim 39 is separately patentable. Claim 39 recites "modifying the identified media file in accordance with a modification file during the playback session." The Examiner cites page 7, line 29 through page 8, line 6 of *Liou et al.* for a teaching of this claimed feature. The cite

portion of *Liou et al.* relates to the ability of a user, through a user interface, to load a recorded annotation file so that a user can perform annotation of at least one of graphical, text, and audio annotation. This is not a modification of "the identified media file," as claimed. The identified media file refers back to the "identification of a pre-existing playable media file" and "a playback option enabling the apparatus to request different types of playback actions in connection with playback of **the identified media file"** of claim 36. Since the user in *Liou et al.* cannot request different types of playback actions in connection with the annotation file (annotation is not a playback action), *Liou et al.* cannot teach "modifying the identified media file in accordance with a modification file during the playback session," as recited in claim 39. None of the other applied references provide for this deficiency in *Liou et al.*

Accordingly, no *prima facie* case of obviousness has been established by the Examiner and the Honorable Board is respectfully requested to reverse the rejection of claim 39 under 35 U.S.C. § 103 even if the rejection of independent claim 36 is sustained.

D. CLAIMS 3, 7, 40, AND 41 ARE NOT RENDERED OBVIOUS BY *LIOU, DALRYMPLE ET AL., HANDLEY ET AL., KUMAR ET AL., VILANDER , CRANDALL ET* AL., AND *AGRESTA ET* AL., OR ANY COMBINATION THEREOF, BECAUSE NONE OF THE APPLIED REFERENCES PROVIDES FOR THE DEFICIENCIES NOTED ABOVE WITH REGARD TO THE INDEPENDENT CLAIMS.

Dependent claims 3, 7, 40, and 41 are allowable for the reasons explained above with regard to the independent claims. *Crandall et al.*, applied for an alleged teaching of synchronizing messages by determining host time and guest time, with regard to claim 7, fails to provide for the deficiencies of the other applied references. *Agresta et al.*, applied for an alleged teaching of

verifying permission before executing a process, per claims 3 and 41, fails to provide for the deficiencies of the other applied references.

Accordingly, no *prima facie* case of obviousness has been established by the Examiner and the Honorable Board is respectfully requested to reverse the rejection of claims 3, 7, 40, and 41 under 35 U.S.C. § 103.

E. CLAIMS 1-19, 23-25, 30-33, 36, AND 39-47 ARE NOT RENDERED OBVIOUS BY *LIOU, DALRYMPLE ET AL., HANDLEY ET AL., KUMAR ET AL., VILANDER , CRANDALL ET* AL., AND *AGRESTA ET* AL., BECAUSE NO ADEQUATE RATIONALE FOR MAKING THE VARIOUS COMBINATIONS HAS BEEN ESTABLISHED.

In addition to the lack of certain claim features, as explained above, the rejections of the claims under 35 U.S.C. § 103 are improper because the Examiner has failed to establish any rationale bases for making the various combinations

In rejecting claims under 35 U.S.C. §103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). In so doing, the examiner is required to make the factual determinations set forth in *Graham v. John Deere Co.,* 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. *In re Kahn*, 441 F.3d 977, 78 USPQ2d 1329 (Fed. Cir. 2006). Such reason must stem from some teachings, suggestions, or implications in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir.), *cert. denied*, 488 U.S. 825 (1988); *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.,* 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), *cert. denied*,

475 U.S. 1017 (1986); *ACS Hosp. Sys., Inc. v. Montefiore Hosp.,* 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. *Note In re Oetiker,* 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

The Examiner has not provided an adequate motivation for combining the references. For example, with regard to the rejection of claims 1, 2, 4-6, 8-19, 23-25, 30-33, and 42-45, the Examiner asserts that it would have been obvious to combine *Liou et al.* and *Dalrymple et al.* "in order to set up the session" (Final Office Action-page 15). However, *Liou et al.* already sets up a collaborative session, so there would have been nothing to suggest to the artisan that any modification to *Liou et al.* "in order to set up the session" would be necessary or desirable. In any event, the skilled artisan would have had no reason to seek out an automated web browser synchronization system, using SIP, as in *Dalrymple et al.* for any suggestion to modify the collaborative dynamic video annotation system of *Liou et al.*

The Examiner asserts that it would have been obvious to combine *Handley et al.* with *Liou et al.* and *Dalrymple et al.* "in order to include a playback option in the invitation" (Final Office Action-page 15). However, nothing in the prior art suggests that any "playback option" would be desirable in the system of *Liou et al.* Moreover, nothing would have led the skilled artisan to modify the collaborative dynamic video annotation system of *Liou et al.* with any teaching of an automated web browser synchronization system, using SIP, as in *Dalrymple et al.* and then still seek further modification based on a Session Description Protocol (SDP), as in *Handley et al.*

Similarly, with regard to adding *Vilander* to the other references, the Examiner asserts that it would have been obvious to combine *Vilander* with *Handley et al.*, *Liou et al.* and *Dalrymple*

et al. "in order to enable the wireless devices to engage in a playback session" (Final Office Action-page 16). Yet, there is no evidence that the skilled artisan would have been led by anything in the applied references to modify the collaborative system of *Liou et al.* in order to provide for a playback session. Clearly, the skilled artisan would not have been led to modify the collaborative dynamic video annotation system of *Liou et al.* with any teaching of an automated web browser synchronization system, using SIP, as in *Dalrymple et al.*, then still seek further modification based on a Session Description Protocol (SDP), as in *Handley et al.* and yet, still further, make an additional modification based on teachings of an IP communication in a cellular telecommunications system, as in *Vilander*.

These allegations of obviousness by the Examiner amount to a classic case of impermissible hindsight as bits and pieces of a multitude of references have been cut and pasted in order to reconstruct the instant claimed subject matter without any suggestion by the applied references for doing so. For example, in claim 1, and other claims, **only** Appellants' disclosure, and nothing within the applied prior art, suggests "receiving a first media playback invite request initiated by a host wireless terminal, the first media playback invite request including information sufficient to identify at least one guest wireless terminal, an identification of a pre-existing playable media file, and a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file."

Since no adequate motivation has been provided by the Examiner for the proposed combinations of references, the rejections of claims 1, 2, 4-6, 8-19, 23-25, 30-33, and 42-45 are improper within the meaning of 35 U.S.C. § 103.

Accordingly, again the Honorable Board is respectfully requested to reverse each and every one of the outstanding rejections.

VIII. CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, Appellants request the Honorable Board to reverse each of the Examiner's rejections.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

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IX. CLAIMS APPENDIX

1. A method comprising:

receiving a first media playback invite request initiated by a host wireless terminal, the first media playback invite request including

information sufficient to identify at least one guest wireless terminal, an identification of a pre-existing playable media file, and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file;

transmitting a second media playback invite request to the guest wireless terminal subsequent to receipt of the first media playback invite request, wherein the second media playback invite request includes the playback option;

relaying a media playback accept response from the guest wireless terminal to the host wireless terminal;

distributing a start playback request from the host wireless terminal to the guest wireless terminal, wherein the start playback request directs the guest wireless terminal to begin a playback session of the identified media file in synchronization with a beginning of the playback session at the host wireless terminal;

receiving an action request from the guest wireless terminal requesting a playback action enabled by the playback option; and

sending the action request received from the guest wireless terminal to the host wireless terminal.

2. The method of claim 1, further comprising: distributing the action request to another wireless terminal during the playback session.

3. The method of claim 1, further comprising:

verifying permissions associated with the guest wireless terminal,

wherein the sending of the action request received from the guest wireless terminal to the host wireless terminal is responsive to verifying the permissions associated with the guest wireless terminal.

4. The method of claim 1, wherein the requested playback action is selected from the group consisting of a rewind request, a pause playback request, a fast forward request, a textual comment request, and a user-specified internal effect algorithm to modify audio or video of the identified media file.

5. The method of claim 1, further comprising:

distributing a stop playback request from the host wireless terminal to the guest wireless terminal in response to a host wireless terminal user terminating the playback session.

6. The method of claim 1, further comprising:

storing an internal time in response to distributing the start playback request; and providing an elapsed time to a second guest wireless terminal when the second guest wireless terminal joins the playback session during the playback session.

7. The method of claim 1, further comprising:

receiving a first internal time from the host wireless terminal or the guest wireless terminal, wherein the first internal time is derived from a global time;

comparing the first internal time to a second internal time in order to derive a time difference, wherein the second internal time is derived from the global time; and

adjusting transmission of a subsequent message to the host wireless terminal or the guest wireless terminal based on the result of the comparing.

8. The method of claim 1, further comprising:

receiving a stop playback request from the guest wireless terminal in response to a guest wireless terminal user withdrawing from the playback session; and

removing a session entry that is associated with the guest wireless terminal, wherein the session entry indicates participation of the guest wireless terminal in the playback session.

9. The method of claim 1, further comprising:

receiving a stop playback request from the host wireless terminal in response to a host wireless terminal user ending the playback session; and

terminating the playback session in response to receiving the stop playback request.

10. The method of claim 1, further comprising:

instructing the guest wireless terminal to modify the identified media file in accordance with a modification file during the playback session.

11. A computer-readable medium, comprising instructions that, when executed, cause a computer to perform:

receiving a first media playback invite request initiated by a host wireless terminal, the first media playback invite request including

information sufficient to identify at least one guest wireless terminal,

an identification of a pre-existing playable media file, and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file;

transmitting a second media playback invite request to the guest wireless terminal subsequent to receipt of the first media playback invite request, wherein the second media playback invite request includes the playback option;

relaying a media playback accept response from the guest wireless terminal to the host wireless terminal;

distributing a start playback request from the host wireless terminal to the guest wireless terminal, wherein the start playback request directs the guest wireless terminal to begin a playback session of the identified media file in synchronization with a beginning of the playback session at the host wireless terminal;

receiving an action request from the guest wireless terminal requesting a playback action enabled by the playback option; and

sending the playback option received from the guest wireless terminal to the host wireless terminal.

12. The computer-readable medium of claim 11, further comprising instructions that, when executed, cause the computer to perform:

distributing the action request to another wireless terminal during the playback session.

13. The computer-readable medium of claim 11, further comprising instructions that, when executed, cause the computer to perform:

distributing a stop playback request from the host wireless terminal to the guest wireless terminal and at least one other wireless terminal in response to a host wireless terminal user terminating the playback session.

14. A method comprising:

sending a media playback invite request to at least one guest wireless terminal from a host wireless terminal, wherein the media playback invite request includes

information sufficient to identify the at least one guest wireless terminal,

an identification of a pre-existing playable media file, and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file;

receiving a media playback accept response from the guest wireless terminal in response to sending the media playback invite request;

in response to receiving the media playback accept response, sending a start playback request to the guest wireless terminal, wherein the start playback request begins a playback session of the identified media file in synchronization with a beginning of the playback session at the host wireless terminal;

receiving an action request from the guest wireless terminal, requesting a playback action enabled by the playback option; and

modifying the playback session of the identified media file in response to the action request.

15. The method of claim 14, further comprising:

sending an action request to the guest wireless terminal, in response to the host wireless terminal user initiating the action request.

16. The method of claim 14, further comprising:

receiving the action request from the guest wireless terminal, in response to the guest wireless terminal user initiating the action request.

17. The method of claim 15 or claim 16, wherein the requested playback action is selected from the group consisting of a rewind request, a pause playback request, a fast forward request, a textual comment, and a request for a user-specified internal effect algorithm to modify audio or video of the identified media file.

18. The method of claim 14, further comprising:

sending a stop playback request to the guest wireless terminal in response to the host wireless terminal user terminating the playback session.

19. The method according to any of the claims 14, 15, 16 or 18, wherein the requests are processed through a server.

20.-22. (Canceled)

23. A computer-readable medium, comprising instructions that, when executed, cause a device to perform:

sending a media playback invite request to at least one guest wireless terminal from a host wireless terminal, wherein the media playback invite request includes

information sufficient to identify the at least one guest wireless terminal,

an identification of a pre-existing playable media file, and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file;

receiving a media playback accept response from the guest wireless terminal in response to sending the media playback invite request;

sending a start playback request to the guest wireless terminal in response to receiving the media playback accept response, wherein the start playback request begins a playback session of the identified media file in synchronization with a beginning of the playback session at the host wireless terminal;

receiving an action request from the guest wireless terminal requesting a playback action enabled by the playback option; and

modifying the playback session of the identified media file in response to the action request.

24. The computer-readable medium of claim 23, further comprising instructions that, when executed, cause the device to perform:

sending an action request to the guest wireless terminal, in response to the host wireless terminal user initiating the request.

25. The computer-readable medium of claim 23, wherein the action request is received responsive to the guest wireless terminal user initiating the action request.

26.-29. (Canceled)

30. The method of claim 1, wherein the identified media file is locally stored on the guest wireless terminal for playback.

31. The computer-readable medium of claim 11, wherein the identified media file is locally stored on the guest wireless terminal for playback.

32. The method of claim 14, wherein the identified media file is locally stored on the guest wireless terminal for playback.

33. The computer-readable medium of claim 23, wherein the identified media file is locally stored on the guest wireless terminal for playback.

34. (Canceled)

35. (Canceled)

36. An apparatus comprising:

a processor; and

memory storing executable instructions that, when executed, cause the apparatus to

receive a media playback invitation at the apparatus from a server via a wireless channel, wherein the media playback invitation includes

an identification of a pre-existing playable media file, and

a playback option enabling the apparatus to request different types of playback actions in connection with playback of the identified media file,

responsive to receiving the media playback invitation, transmit a media playback accept response to the server, wherein if the apparatus does not have the identified media file, the apparatus downloads the identified media file before transmitting the media playback accept response,

receive at the apparatus a start playback request, wherein the start playback request begins a playback session of the identified media file in synchronization with a beginning of the playback session at a host wireless terminal, and

subsequent to receiving the start playback request, transmit an action request to the server, wherein the action request requests a playback action enabled by the playback option.

37. (Canceled)

38. (Canceled)

39. The apparatus of claim 36, wherein the processor includes executable instructions to perform:

modifying the identified media file in accordance with a modification file during the playback session.

40. The method of claim 1, wherein if the guest wireless terminal does not have the identified media file, the guest wireless terminal downloads the identified media file before sending the media playback accept response.

41. The computer-readable medium of claim 11, further comprising instructions that, when executed, cause the computer to perform:

verifying permissions associated with the guest wireless terminal, and

wherein the sending of the playback optionaction request received from the guest wireless terminal to the host wireless terminal is responsive to verifying the permissions associated with the guest wireless terminal.

42. An apparatus comprising:

a processor; and

a memory storing executable instructions that, when executed, cause the apparatus to send a media playback invite request to at least one guest wireless terminal from the apparatus, wherein the media playback invite request includes

information sufficient to identify the at least one guest wireless terminal,

an identification of a pre-existing playable media file, and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file,

receive a media playback accept response from the guest wireless terminal in response to sending the media playback invite request,

in response to receiving the media playback accept response, send a start playback request to the guest wireless terminal, wherein the start playback request begins a playback

session of the identified media file in synchronization with a beginning of the playback session at the apparatus,

receive an action request from the guest wireless terminal requesting a playback action enabled by the playback option, and

modify the playback session of the identified media file in response to the action request.

43. The apparatus of claim 42, wherein the media playback invite request includes information sufficient to identify multiple guest wireless terminals.

44. The apparatus of claim 42, wherein the requested playback action is selected from the group consisting of a rewind request, a pause playback request, a fast forward request, a textual comment, and a request for a user-specified internal effect algorithm to modify audio or video of the identified media file.

45. An apparatus comprising:

a processor; and

a memory storing executable instructions that, when executed, cause the apparatus to receive

a first media playback invite request initiated by a host wireless terminal, the first media playback invite request including

information sufficient to identify at least one guest wireless terminal,

an identification of a pre-existing playable media file, and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file,

transmit a second media playback invite request to the guest wireless terminal subsequent to receipt of the first media playback invite request, wherein the second media playback invite request includes the playback option,

relay a media playback accept response from the guest wireless terminal to the host wireless terminal,

distribute a start playback request from the host wireless terminal to the guest wireless terminal, wherein the start playback request directs the guest wireless terminal to begin a playback session of the identified media file in synchronization with a beginning of the playback session at the host wireless terminal,

receive an action request from the guest wireless terminal requesting a playback action enabled by the playback option, and

send the action request received from the guest wireless terminal to the host wireless terminal.

46. A method comprising:

receiving a media playback invitation at a guest wireless terminal from a server via a wireless channel, wherein the media playback invitation includes

an identification of a pre-existing playable media file, and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file;

responsive to receiving the media playback invitation, transmitting a media playback accept response to the server, wherein if the guest wireless terminal does not have the identified media file, the guest wireless terminal downloads the identified media file before transmitting the media playback accept response;

receiving at the guest wireless terminal a start playback request, wherein the start playback request begins a playback session of the identified media file in synchronization with a beginning of the playback session at a host wireless terminal; and

subsequent to receiving the start playback request, transmitting an action request to the server, wherein the action request requests a playback action enabled by the playback option.

47. A computer-readable medium, comprising instructions that, when executed, cause a device to perform:

receiving a media playback invitation at a guest wireless terminal from a server via a wireless channel, wherein the media playback invitation includes

an identification of a pre-existing playable media file, and

a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file;

responsive to receiving the media playback invitation, transmitting a media playback accept response to the server, wherein if the guest wireless terminal does not have the identified media file, the guest wireless terminal downloads the identified media file before transmitting the media playback accept response;

receiving at the guest wireless terminal a start playback request, wherein the start playback request begins a playback session of the identified media file in synchronization with a beginning of the playback session at a host wireless terminal; and

subsequent to receiving the start playback request, transmitting an action request to the server, wherein the action request requests a playback action enabled by the playback option.

X. EVIDENCE APPENDIX

Appellants are unaware of any evidence that is required to be submitted in the present Evidence Appendix.

XI. RELATED PROCEEDINGS APPENDIX

Appellants are unaware of any related proceedings that are required to be submitted in the present Related Proceedings Appendix.